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Part XI

Department of Education

Office of Postsecondary Education

34 CFR Part 659

Direct Individual Foreign Language and Area Studies Fellowships Program; Notice of Proposed Rulemaking

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

34 CFR Part 659

Direct Individual Foreign Language and Area Studies Fellowships Program

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes regulations to govern the Direct Individual Foreign Language and Area Studies Fellowships Program. This fellowship program was added to Title VI of the Higher Education Act of 1965 (HEA) by the Higher Education Amendments of 1986, Pub. L. 99-498. Under this program, the Secretary awards fellowships directly to graduate students who have completed at least two years of graduate study to further their foreign language training.

DATE: Comments must be received on or before January 3, 1989.

ADDRESS: All comments concerning these proposed regulations should be addressed to Joseph F. Belmonte, Deputy Director, Center for International Education, U.S. Department of Education, 400 Maryland Avenue, SW. (Room 3054, ROB 3), Washington, DC 20202.

A copy of any comments that concern information collection requirements should also be sent to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble.

FOR FURTHER INFORMATION CONTACT: Joseph F. Belmonte, Telephone: (202) 732-3283.

SUPPLEMENTARY INFORMATION: Under the Direct Individual Foreign Language and Area Studies Fellowships Program, the Secretary awards fellowships of up to four years, on the basis of a national competition, to graduate students entering their third year of graduate study at an institution of higher education to enable them to continue their foreign language and area studies at that institution. Those studies may include language training and the conduct of research outside the United States.

The Secretary is authorized to award fellowships under this part in a fiscal year only when the funds appropriated for the Foreign Language and Area Studies Fellowships Program authorized under 34 CFR Part 657 for that fiscal year are at least equal to the amount necessary to award 720 academic year fellowships and 400 summer fellowships.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities.

These regulations will not affect a substantial number of small entities. Only a small number of awards is anticipated if funding becomes available for this program, and the proposed regulations would impose minimal burdens on applicants and grantees.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 3054, Regional Office Building No. 3, 7th and D Streets SW, Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week, except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, the Secretary invites comment on whether there may be further opportunities to reduce any regulatory burdens found in these proposed regulations.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 659

Colleges and universities, Education, Educational study program, Fellowships, Grant program—education, Reporting and recordkeeping requirements.

Dated: November 8, 1988.

(Catalog of Federal Domestic Assistance Number not yet assigned).

Lauro F. Cavazos,

Secretary of Education.

The Secretary proposes to amend Title 34 of the Code of Federal Regulations by adding a new Part 659 to read as follows:

PART 659—DIRECT INDIVIDUAL FOREIGN LANGUAGE AND AREA STUDIES FELLOWSHIPS PROGRAM

Subpart A—General

Sec.
659.1 What is the Direct Individual Foreign Language and Area Studies Fellowships Program?
659.2 Who is eligible to receive a fellowship?
659.3 What regulations apply?
659.4 What definitions apply?

Subpart B—How Does a Student Apply for a Fellowship?

659.10 How does a student submit an application?

Subpart C—How Is a Graduate Student Selected to Receive a Fellowship?

659.20 How is a student selected for a fellowship?
659.21 What criteria are used to select students for fellowship awards?
659.22 What priorities may the Secretary establish?

Subpart D—What Conditions Apply to a Fellowship?

659.30 What is the duration of and what are the limitations on an individual fellowship?
659.31 What is the amount of a fellowship?
659.32 What is the payment method for a fellowship?
659.33 What are the conditions for the use of an individual fellowship outside the United States?
659.34 Under what circumstances must the Secretary terminate an individual fellowship?

Authority: 20 U.S.C. 1122, unless otherwise noted.

Subpart A—General

§ 659.1 What is the Direct Individual Foreign Language and Area Studies Fellowships Program?

Under the Direct Individual Foreign Language and Area Studies Fellowships Program, the Secretary awards fellowships of up to four years, on the basis of a national competition, to graduate students entering their third year of graduate study at an institution of higher education to enable them to continue their foreign language and area studies at that institution. Those studies may include the conduct of research and language training outside the United States.

(Authority: 20 U.S.C. 1122)

§ 659.2 Who is eligible to receive a fellowship?

(a) A student is eligible to receive a fellowship if the student—

(1) Is a citizen or national of the United States;

(2) Is a permanent resident of the United States; or

(3) Is a permanent resident of the Trust Territory of the Pacific Islands (Republic of Palau);

(b) Is enrolled in a graduate program at an institution of higher education which provides advanced training in a foreign language combined with—

(1) Area or international studies; or

(2) Research and training in the international aspects of professional and other fields of study;

(c) Shows high academic achievement, based on indices such as grade point average, class ranking, or standardized achievement tests;

(d) Has provided evidence of—

(1) Exceptional performance in the foreign language or languages being studied as part of the student's graduate program; and

(2) Substantial multidisciplinary area training in activities described in paragraph (b) of this section; and

(e) Is beginning his or her third year of graduate study.

(Authority: 20 U.S.C. 1122, 1132: 48 U.S.C. 1681)

(Approved by the Office of Management and Budget under control No. 1840-0610.)

§ 659.3 What regulations apply?

The following regulations apply to this program:

(a) The regulations in 34 CFR Part 655.

(b) The regulations in this Part 659.

(Authority: 20 U.S.C. 1122)

§ 659.4 What definitions apply?

The following definitions apply to this part:

(a) The definitions in 34 CFR 655.4.

(b) "Fellow" means a person who receives a fellowship under this part.

(c) "Fellowship" means the payment a fellow receives under this part.

(d) "Multidisciplinary area training" means training in three or more academic disciplines that contribute to a fuller understanding of the region or field of international studies; and

(e) "Secretary" means the United States Secretary of Education.

(Authority: 20 U.S.C. 1122)

Subpart B—How Does a Student Apply for a Fellowship?

§ 659.10 How does a student submit an application?

(a) A student applies to the Secretary for a fellowship by providing sufficient information to enable the Secretary to determine—

(1) Whether he or she is eligible to receive a fellowship; and

(2) Whether he or she should be selected for a fellowship on the basis of the selection criteria listed in § 659.21.

(b) The information to be submitted for each application must include—

(1) Transcripts of the student's undergraduate and graduate academic record;

(2) References from at least three people familiar with the student's accomplishments and potential;

(3) Information from the institution at which the student is enrolled about his or her performance on a nationally-referenced language test, if available, or other evidence of language competency, in the proposed language of award;

(4) A statement of the student's goals and plan of study during his or her fellowship tenure, including the number of years for which the fellowship is requested and plans for language study or research outside the United States; and

(5) Endorsement of the student's plan of study by his or her academic advisor.

(Authority: 20 U.S.C. 1122)

(Approved by the Office of Management and Budget under OMB control No. 1840-0610.)

Subpart C—How Is a Graduate Student Selected To Receive a Fellowship?

§ 659.20 How is a student selected for a fellowship?

(a) The Secretary awards fellowships to graduate students selected by a panel of nationally recognized scholars.

(b) The panel of scholars evaluates an application for a fellowship on the basis of the quality of the applicant's record, language proficiency, and plan of study in accordance with the criteria listed in § 659.21.

(c) In general, the panel awards up to 100 possible points for these criteria. However, if priority criteria are used the panel awards up to 120 possible points. The maximum possible number of points for each criterion is shown in parentheses following the heading for the criterion.

(Authority: 20 U.S.C. 1122)

§ 659.21 What criteria are used to select students for fellowship awards?

The panel of scholars uses the following criteria in evaluating applications for fellowships under this part:

(a) *Qualifications of the applicant.* [40] The panel of scholars reviews each application to determine—

(1) The strength of the applicant's undergraduate and graduate record; and

(2) The extent of the applicant's preparation for the proposed course of study through evidence of substantial multidisciplinary training.

(b) *Foreign language skills.* [30] The panel of scholars reviews each application to determine—

(1) The excellence of the applicant's performance on either a nationally-referenced test, if available, or on other commonly accepted tests, in the foreign language to be studied;

(2) The relevance of the language to be studied for the applicant's overall proposed course of study; and

(3) Evidence of the applicant's skills in other foreign languages.

(c) *Proposed plan of study.* [30] The panel of scholars reviews each application to determine—

(1) The feasibility of the applicant's proposed plan of study; and

(2) The quality of the proposed plan of study in relation to the applicant's preparation and goals.

(d) *Priorities.* [20] The panel of scholars reviews each application to determine the extent to which the priorities established under § 659.22 will be met by the applicant.

(Authority: 20 U.S.C. 1122)

(Approved by the Office of Management and Budget under OMB control no. 1840-0610.)

§ 659.22 What priorities may the Secretary establish?

(a) The Secretary may establish one or more of the following priorities for selecting fellows:

(1) Languages, such as Chinese.

(2) World areas, or countries, such as East Asia, or Indonesia.

(3) Academic disciplines, such as linguistics or economics.

(4) Topics, such as population growth and planning, modernization, economic development, security issues, the arts, or international trade.

(5) A combination of any of these categories.

(b) The Secretary announces any priorities in the annual application notice published in the **Federal Register**.

(Authority: 20 U.S.C. 1122)

Subpart D—What Conditions Apply to a Fellowship?

§ 659.30 What is the duration of and what are the limitations on an individual fellowship?

(a) The Secretary awards a fellowship for the period requested by the fellow, which may not exceed four years.

(b) The continuation of a fellowship is contingent upon the fellow's—

(1) Periodically demonstrating a high level of proficiency in the language or languages being studied as part of the fellow's graduate program;

(2) Remaining in good standing at the institution in which the fellow is enrolled;

(3) Demonstrating satisfactory progress in the fellow's approved plan of graduate study; and

(4) Obtaining the Secretary's prior approval before making significant changes in the fellow's program of graduate study.

(Authority: 20 U.S.C. 1122)

§ 659.31 What is the amount of a fellowship?

(a) The Secretary awards a fellowship in an amount that does not exceed the cost of tuition and fees and an allowance for subsistence.

(b) The Secretary may also include an allowance for travel and an allowance for dependents.

(c) The Secretary announces in the annual application notice published in the **Federal Register**—

(1) The expected amount of subsistence allowances;

(2) Whether dependents' and travel allowances will be permitted; and

(3) The expected amount of the allowances.

(Authority: 20 U.S.C. 1122)

§ 659.32 What is the payment method for a fellowship?

(a) The Secretary may enter into an agreement with the institution in which the fellow is enrolled under which the institution agrees to disburse fellowship funds to the fellow, and the Secretary agrees to advance funds to the institution to enable it to make those payments.

(b) The institution shall pay a fellow his or her subsistence and any other allowance in installments during the term of the fellowship.

(c) A fellow shall notify the institution of any overpayment or underpayment and the institution shall make appropriate adjustments.

(Authority: 20 U.S.C. 1122)

§ 659.33 What are the conditions for the use of an individual fellowship outside the United States?

(a) Before using a fellowship outside the United States a fellow must obtain the approval of the Secretary.

(b) The Secretary approves the use of a fellowship outside the United States if—

(1) The institution in which the fellow is enrolled approves the fellow's engaging in research or undergoing advanced foreign language training in a country outside the United States; and

(2) The fellow—

(i) Is engaged in research that cannot be done effectively in the United States; and

(ii) Is affiliated with an institution of higher education or another appropriate organization in the foreign country.

(Authority: 20 U.S.C. 1122)

§ 659.34 Under what circumstances must the Secretary terminate an individual fellowship?

The Secretary terminates a fellowship if the fellow fails to satisfy the requirements of § 659.30(b).

(Authority: 20 U.S.C. 1122)

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